IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 23794 of 2004

Between:

T.Vijayakumari W/o.H.Raju
193,Hospital Araa, Bellampally,
Adialabad Dist.

..... PETITIONER

AND

Singareni Collieries Co.Ltd,. rep by its General Manager
Bellampally, Adilabad Dist.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus, or any other appropriate Writ, order or direction, declaring the action of the respondent in not paying the lump sum amount equivalent to the actual wages of 24 months immediately preceding the date of cessation and other benefits and as per the notice
dt 24-5-99 as being illegal, arbitrary, without jurisdiction and consequently direct the respondent to forthwith pay the above amount in lieu of providing employment in favour of the dependent and pass such other order or orders.

Counsel for the Petitioner: MR.K.RAGHUVEER REDDY

Counsel for the Respondent: MR.NANDIGAM KRISHANA RAO

The Court made the following:

ORAL ORDER:

The petitioner has filed this writ petition seeking a Mandamus to declare the action of the respondent in not paying the lumpsum amount equivalent to the actual wages of 24 months immediately preceding the date of cessation as arbitrary and illegal.

Heard the learned counsel for both the parties.

The respondent issued a notice to the petitioner in accordance with the Memo of Settlement, dated 6.6.1998 advising him to opt for payment of lumpsum amount equivalent to 100% of average Basic + VDA + FDA + SDA calculated on the ex-employees earnings for 24 months immediately preceding the date of cessation of employment under voluntary retirement scheme in lieu of providing employment to the petitioner's dependant in the prescribed proforma on or before 30.7.1999. In pursuance of the notice, the petitioner applied to the authorities for grant of lumpsum amount of Rs.2 lakhs in lieu of dependant employment. The same was forwarded by the Superintendent of the Area Hospital, Bellampally to the respondent on 2.7.2002. As no steps have been taken, this writ petition has been filed.

As per the notice of the respondent, the petitioner was required to opt for payment of lumpsum amount equivalent to 100% of average Basic + VDA + FDA + SDA on or before 30.7.1999. Accordingly, the Medical Superintendent, Area Hospital, Bellampalli addressed a

letter, dated 2.7.2002 to the General Manager, Bellampalli of the respondent along with proforma for payment of lumpsum amount in lieu of dependant employment, but no action has been taken. Therefore, it is for the respondent to take appropriate decision in accordance with the scheme and also in pursuance of the notice.

For the foregoing reasons, I deem it appropriate to direct the respondent to consider the case of the petitioner and take appropriate decision in accordance with the scheme and also notice, dated 24.5.1999 issued by the respondent and also the recommendations made by the Medical Superintendent of Area Hospital, Bellampalli on 2.7.2002, within a period of four weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of. There shall be no order as to costs.

Sd/-A.SUVARNA

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. Singareni Collieries Co.Ltd,. rep by its General Manager
   Bellampally, Adilabad Dist.

2. Two C.D. copies

3. One cc to mr.K.Raghuveer Reddy,Advocate (OPUC)

4.One cc to Mr.N.Krishna Rao,Advocate (OPUC)

TRk

HIGH COURT

DATED: 21.12.2004

ORDER:

W.P.NO.23794 OF 2004

DISPOSED OF NO COSTS